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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,551	08/30/2006	Stephen Temple	164586	4385

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EXAMINER
QUADER, FAZLUL

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2169	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/568,551	TEMPLE ET AL.
	Examiner	**Art Unit**	
	Fazlul Quader	2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 August 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>17 February 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/22/2006</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-30 are pending in this application.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ihara et al. (US 6970928), hereinafter "Ihara" in view of Vermola et al. (US

20050090235), hereinafter "Vermola".

4.   As to claim 1, Ihara discloses, a method of operating a communication system

including a plurality of user terminals and a plurality of storage terminals, each being

associated with at least one user terminal the method including the steps of:

storing encrypted content data on each of said storage terminals (col. 30, lines 5-32);

generating schedule data including decryption key means for enabling decryption of the content data by the storage terminal (col. 33, lines 33-40); and

transmitting the schedule data to the storage terminal via a mobile telecommunications network (col.18, lines 38-48); wherein

in the storage terminal includes a time indicator, and the schedule data is generated such that it controls the time at which the content data is decrypted by the storage terminal using the decryption means and with respect to the time indicator of the storage terminal such that the decrypted content data can be transmitted to the user terminal at said time (col. 33, lines 41-57).

Ihara, however, does not explicitly disclose, "decryption by means of key";

Vermola, on the other hand, discloses, "decryption by means of key" (Vermola: [0005]).

Both Ihara and Vermola are of the same field of endeavor, they specifically teach content distribution method (Ihara: abstract; Vermola: [0008]).

It would have been obvious to one of the ordinary skill in the art at the time of

applicant's invention to incorporate the teachings of Vermola into Ihara of Content

distribution method and content supply system, that would have allowed users of Ihara

to have an useful method, to receive broadcast services in a selectable manner

(Vermola: [0002]).

5.   As to claim 2, Ihara as modified discloses, the method of claim 1, wherein at

least some of the content data is stored on the storage terminal by transmitting the

content data over the mobile telecommunications network (Ihara: col. 6, line 58-col. 7,

line 3).

6.   As to claim 3, Ihara as modified discloses, the method of claim 2, wherein the

content data is transmitted to the storage module at a time selected to coincide with a

time when network use is or is expected to be relatively low (Ihara: col. 8, lines 5-24;

col. 33, lines 41-57).

7.   As to claim 4, Ihara as modified discloses, the method of claim 1, wherein at

least some of the content data is stored on the storage terminal prior to distribution of

the storage terminal to the user (Ihara: col. 8, lines 5-24).

8.   As to claim 5, Ihara as modified discloses, the method of claim 1, wherein at

least some of the content data is stored on the storage terminal by transmitting the

content data via the Internet (Ihara: abstract; col. 1, lines 26-34).

9.   As to claim 6, Ihara discloses, a method of controlling access to encrypted

content data stored on a storage terminal, the method including the steps of:

transmitting schedule data to the storage terminal via a mobile

telecommunications network (col. 18, lines 38-48; col. 32, line 55-col. 33, lines 7), the

schedule data including decryption means for enabling decryption of the content data by

the storage terminal (col. 33, lines 33-40); and receiving the schedule data at the

storage terminal (col. 18, lines 38-48); wherein

the storage terminal includes a time indicator, and the schedule data controls the

time at which the content data is decrypted by the storage terminal using the decryption

key means and with respect to the time indicator of the storage terminal such that the

decrypted content data can be transmitted to a user terminal at said time (col. 33, lines

41-57).

Ihara, however, does not explicitly disclose, "decryption by means of key";

Vermola, on the other hand, discloses, "decryption by means of key" (Vermola:

[0005]).

Both Ihara and Vermola are of the same field of endeavor, they specifically teach content distribution method (Ihara: abstract; Vermola: [0008]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Vermola into Ihara of Content distribution method and content supply system, that would have allowed users of Ihara to have an useful method, to receive broadcast services in a selectable manner (Vermola: [0002]).

10.   As to claim 7, Ihara as modified discloses, a method of claim 1, wherein the storage terminal and the user terminal comprise a single device (Ihara: col. 5, line 47-col. 6, line 12).

11.   As to claim 8, Ihara as modified discloses, the method of claim 1, wherein the time of transmission is controlled such that the content data is made available to the user terminal substantially simultaneously with the transmission of that content data to the storage terminal by the mobile telecommunications network (Ihara: col. 18, lines 38-48; col. 32, line 55-col. 33, lines 7).

12.   As to claim 9, Ihara as modified discloses, the method of claim 1 any one of the preceding claims, wherein the user of the user terminal can select content data to be

transmitted to the storage terminal and for the subsequent transmission to the user

terminal (Ihara: col. 8, lines 13-24).

13.   As to claim 10, Ihara as modified discloses, the method of claim 1, wherein the

user of the user terminal can adjust the time of transmission of content data from the

storage terminal to the user terminal (Ihara: col. 8, lines 5-24; col. 33, lines 41-57).

14.   As to claim 11, Ihara as modified discloses, the method of claim 1, including

determining the location of the user terminal and transmitting special schedule data

and/or content data in dependence upon the determined location (Ihara: col. 8, lines 13-

24).

15.   As to claim 12, as modified Ihara discloses, the method of claim 1, including

enabling the user to respond to the content data via the mobile telecommunications

network (Ihara: col. 18, lines 38-48; col. 32, line 55-col. 33, lines 7).

16.   As to claim 13, Ihara as modified discloses, the method of claim 1, including

enabling the user to perform a transaction associated with the content data (Ihara: col.

8, lines 13-24).

17.   As to claim 14, Ihara discloses, a communication system including:

a plurality of user terminals (col. 40, lines 19-25);

a plurality of storage terminals, each being associated with at least one user terminal means for transmitting encrypted content data to each of said storage terminals (col. 30, lines 5-32);

means for generating schedule data including decryption key means for enabling decryption of the content data by the storage terminal (col. 33, lines 33-40); and

means for transmitting the schedule data to the storage terminal via a mobile telecommunications network (col. 18, lines 38-48); wherein

the storage terminal includes a time indicator, and the schedule data generating means generates the schedule data such that it controls the time at which the content data is decrypted by the storage terminal using the decryption means and with respect to the time indicator of the storage terminal such that the decrypted content data can be transmitted to the user terminal at said time (col. 33, lines 41-57).

Ihara, however, does not explicitly disclose, "decryption by means of key";

Vermola, on the other hand, discloses, "decryption by means of key" (Vermola: [0005]).

Both Ihara and Vermola are of the same field of endeavor, they specifically teach content distribution method (Ihara: abstract; Vermola: [0008]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Vermola into Ihara of Content distribution method and content supply system, that would have allowed users of Ihara to have an useful method, to receive broadcast services in a selectable manner (Vermola: [0002]).

18.   As to claim 15, Ihara as modified discloses, the system of claim 14, including means for receiving a request for particular content data from a user, and means for transmitting that content data to the storage terminal for subsequent transmission to the user terminals (Ihara: col. 1, lines 26-34).

19.   As to claim 16, Ihara as modified discloses, the system of claim 14, including means for providing an indication of the location of the storage terminal within the network, and means for altering the schedule data for transmission to the storage module in dependence upon that location indication (Ihara: col. 8, lines 37-46).

20.   As to claim 17, Ihara as modified discloses, the system of any one of claims 14,

including means for receiving instructions derived from the user terminal in response to

the content data (Ihara: col. 1, lines 26-34).

21.   As to claim 18, Ihara as modified discloses, the system of claims 14, including

means for enabling a transaction associated with the content data to be performed

(Ihara: col. 8, lines 5-24; col. 33, lines 41-57).

22.   As to claim 19, Ihara as modified discloses, the system of claim 14, wherein the

network is a GSM or UMTS mobile telecommunications network (Ihara: col. 8, lines 5-

24; col. 33, lines 41-57).

23.   As to claim 20, Ihara as discloses, a storage terminal for storing encrypted

content data (col. 30, lines 5-32), the storage terminal including:

        means for receiving schedule data via a mobile telecommunications network, the

schedule data including decryption key means for enabling decryption of the content

data by the storage terminal (col. 33, lines 33-40); wherein

        the storage terminal includes a time indicator, and the schedule data controls the

time at which the content data is decrypted by the storage terminal using the decryption

means and with respect to the time indicator of the storage terminal such that the

decrypted content data can be transmitted to a user terminal at said time (col. 33, lines 41-57).

Ihara, however, does not explicitly disclose, "decryption by means of key";

Vermola, on the other hand, discloses, "decryption by means of key" (Vermola: [0005]).

Both Ihara and Vermola are of the same field of endeavor, they specifically teach content distribution method (Ihara: abstract; Vermola: [0008]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Vermola into Ihara of Content distribution method and content supply system, that would have allowed users of Ihara to have an useful method, to receive broadcast services in a selectable manner (Vermola: [0002]).

24. As to claim 21, Ihara as modified discloses, the storage terminal of claim 20, wherein the receiving means comprises an interface for receiving the schedule data from a mobile terminal, which mobile terminal is operable to receive schedule data from the mobile telecommunications network (Ihara: col. 6, line 58-col. 7, line 3).

25.   As to claim 22, Ihara as modified discloses, the storage terminal of claim 20,

wherein the receiving means comprises a transceiver connectable to the mobile

telecommunications network for receiving schedule data from the mobile

telecommunications network (Ihara: col. 6, line 58-col. 7, line 3).

26.   As to claim 23, Ihara as modified discloses, the storage terminal of claim 20,

including means for receiving content data to be stored over the mobile

telecommunications network (Ihara: col. 6, line 58-col. 7, line 3).

27.   As to claim 24, Ihara as modified discloses, the storage terminal of claim 20,

including means for receiving content data to be stored by means of the Internet (Ihara:

abstract; col. 1, lines 26-34).

28.   As to claim 25, Ihara as modified discloses, the storage terminal of claims 20,

including means for transmitting content data to the user terminal substantially

simultaneously with transmission of that content data to the storage terminal by the

mobile telecommunications network (Ihara: col. 18, lines 38-48; col. 32, line 55-col. 33,

lines 7).

29.   As to claim 26, Ihara as modified discloses, the storage terminal of claims 20,

including means for receiving instructions from the user terminal which are indicative of

a selection of content data required, and means for transmitting a signal indicative of

this selection to a content data provider (Ihara: col. 8, lines 13-24; col. 10, lines 34-47).

30.   As to claim 27, Ihara as modified discloses, the storage terminal of claims 20,

including means for adjusting the transmission time of content data from the storage

terminal to the user terminal (Ihara: col. 8, lines 5-24; col. 33, lines 41-57).

31.   As to claim 28, Ihara as modified discloses, the storage terminal of 20, including

means for determining the location of the storage terminal and for varying the content

data transmitted to the user terminal in dependence upon that location determination

(Ihara: col. 8, lines 13-24).

32.   As to claim 29, Ihara as modified discloses, the storage terminal of claims 20,

including means for transmitting a response to the content data from the user terminal

via the mobile telecommunications network (Ihara: col. 18, lines 38-48; col. 32, line 55-

col. 33, lines 7).

33.   As to claim 30, Ihara as modified discloses, the storage terminal of claim 20,

including means for enabling a transaction associated with the content data to be

performed (Ihara: col. 8, lines 13-24).

Conclusion

34.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Kelley et al. (US 7239705) teaches Apparatus and method for broadcast service

transmission and reception.

Contact Information

35.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Fazlul Quader whose telephone number is 571-270-

1905. The examiner can normally be reached on M-F 8-5 Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mohammad Ali can be reached on 571-272-4105. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fazlul Quader
Examiner
Art Unit 2169

FQ
11/12/2007

MOHAMMAD ALI
SUPERVISORY PATENT EXAMINER